

AMENDED IN SENATE APRIL 19, 2007

AMENDED IN SENATE APRIL 9, 2007

SENATE BILL

No. 697

Introduced by Senator Wiggins

February 23, 2007

An act to amend Section 12209 of the Public Contract Code, and to amend Sections 42240 and 42241 of the Public Resources Code, relating to compost.

LEGISLATIVE COUNSEL'S DIGEST

SB 697, as amended, Wiggins. Compost.

(1) Existing law imposes specified requirements on state agencies with respect to purchasing and using recycled products. Existing law imposes minimum content requirements for those purposes, including minimum content requirements for recycled compost, cocompost, and mulch.

This bill would make technical, nonsubstantive changes to those content requirements.

(2) The California Integrated Waste Management Act of 1989 requires the Department of General Services and the California Integrated Waste Management Board to maintain specifications for the purchase of compost by the State of California. The specifications are required to be designed to maximize the use of compost without jeopardizing the safety and health of the citizens of the state or the environment.

The bill would make technical, nonsubstantive changes to those provisions.

(3) The California Integrated Waste Management Act of 1989 requires the Department of Transportation, on or after January 1, 1991,

to use compost in place of, or to supplement, petroleum-based commercial fertilizers in the state's highway landscape maintenance program.

This bill would require the department, on or before ~~January 31, 2008~~ *April 1, 2009*, to report specified information to the Legislature regarding the use of certain products over the past 5 years. The department would also be required to develop a 10-year plan, on or before ~~January 1, 2008~~ *April 1, 2009*, to increase the use of mulch, compost, and mulch products while phasing out the use of pesticides and chemical fertilizers and to report to the Legislature, on or before ~~January 31, 2008~~ *April 1, 2009*, regarding the contents of that plan.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12209 of the Public Contract Code is
- 2 amended to read:
- 3 12209. For purposes of this article, the following minimum
- 4 content requirements apply:
- 5 (a) Recycled paper products shall consist of at least 30 percent,
- 6 by fiber weight, postconsumer fiber.
- 7 (b) (1) Recycled printing and writing paper shall consist of at
- 8 least 30 percent, by fiber weight, postconsumer fiber.
- 9 (2) Printed newspapers that meet the requirements of Chapter
- 10 15 (commencing with Section 42750) of Part 3 of Division 30 of
- 11 the Public Resources Code shall be considered in compliance with
- 12 the requirements of this section.
- 13 (c) For recycled compost, cocompost, and mulch, at least 80
- 14 percent of the product shall consist of materials, including, but not
- 15 limited to, the materials listed in subdivision (c) of Section 12207,
- 16 that would otherwise normally be disposed of in a landfill.
- 17 (d) For recycled glass, the total weight shall consist of at least
- 18 10 percent postconsumer material.
- 19 (e) Rerefined lubricating oil shall have a base oil content
- 20 consisting of at least 70 percent rerefined oil.
- 21 (f) (1) For recycled plastic products, other than printer or
- 22 duplication cartridges, the total weight shall consist of at least 10
- 23 percent postconsumer material.

1 (2) Recycled printer or duplication cartridges shall comply with
2 either the requirements set forth in subdivision (e) of Section 12156
3 or the general requirement for recycled plastic products set forth
4 in paragraph (1).

5 (g) Recycled paint shall have a recycled content consisting of
6 at least 50 percent postconsumer paint. Preconsumer or secondary
7 paint does not qualify as “recycled paint” pursuant to this
8 subdivision. If paint containing 50 percent postconsumer content
9 is unavailable, or is restricted by a local air quality management
10 district, a state agency may substitute paint with at least 10 percent
11 postconsumer content.

12 (h) Recycled antifreeze fluid shall have a recycled content of
13 at least 70 percent postconsumer materials.

14 (i) Retreaded tires must use an existing casing that has
15 undergone an approved or accepted recapping or retreading process,
16 in accordance with Chapter 7 (commencing with Section 42400)
17 of Part 3 of Division 30 of the Public Resources Code.

18 (j) For tire-derived products, the total content shall consist of
19 at least 50 percent recycled used tires.

20 (k) For recycled metal products, the total weight shall consist
21 of at least 10 percent postconsumer material.

22 (l) For reused or refurbished products, there is no minimum
23 content requirement.

24 SEC. 2. Section 42240 of the Public Resources Code is
25 amended to read:

26 42240. The Department of General Services and the board, in
27 consultation with other affected state agencies, shall maintain
28 specifications for the purchase of compost by the State of
29 California. The specifications shall designate the state minimum
30 operating standards and product quality standards. The
31 specifications shall be designed to maximize the use of compost
32 without jeopardizing the safety and health of the state’s citizens
33 or the environment.

34 SEC. 3. Section 42241 of the Public Resources Code is
35 amended to read:

36 42241. (a) On or after January 1, 1991, the Department of
37 Transportation shall use compost instead of, or to supplement,
38 petroleum-based commercial fertilizers in the state’s highway
39 landscape maintenance program.

1 (b) The Department of Transportation (CALTRANS) shall
2 report the following information to the Legislature on or before
3 ~~January 31, 2008~~ *April 1, 2009*:

4 (1) The amount of compost CALTRANS has used over the past
5 five years.

6 (2) The amount of pesticides CALTRANS has used over the
7 past five years.

8 (3) The amount of chemical fertilizers CALTRANS has used
9 over the past five years.

10 (4) The amount of mulch, compost, and other products for
11 erosion control CALTRANS has used over the past five years.

12 (c) On or before ~~January 31, 2008~~ *April 1, 2009*, the Department
13 of Transportation shall develop a 10-year plan to increase the use
14 of mulch, compost, and mulch products in the state's highway
15 landscape maintenance program while phasing out the usage of
16 pesticides and chemical fertilizers. On or before ~~January 31, 2008~~
17 *April 1, 2009*, the Department of Transportation shall report to the
18 Legislature regarding the contents of the 10-year plan.